

Union Calendar No. 57

105TH CONGRESS
1ST Session

H. R. 3

[Report No. 105-86]

A BILL

To combat violent youth crime and increase
accountability for juvenile criminal offenses.

MAY 1, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To combat violent youth crime and increase accountability for juvenile criminal offenses.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. MCCOLLUM (for himself, Mr. COBLE, Mr. BARR of Georgia, Mr. BRYANT, and Mr. CANADY of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 1, 1997

Additional sponsor: Mr. CHRISTENSEN

MAY 1, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 7, 1997]

A BILL

To combat violent youth crime and increase accountability
for juvenile criminal offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Juvenile Crime Control*
 3 *Act of 1997”.*

4 **TITLE I—REFORMING THE FED-**
 5 **ERAL JUVENILE JUSTICE SYS-**
 6 **TEM**

7 **SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL**
 8 **PROSECUTIONS IN DISTRICT COURTS.**

9 *Section 5032 of title 18, United States Code, is amend-*
 10 *ed to read as follows:*

11 **“§ 5032. Delinquency proceedings or criminal prosecu-**
 12 **tions in district courts**

13 “(a)(1) *A juvenile alleged to have committed an offense*
 14 *against the United States or an act of juvenile delinquency*
 15 *may be surrendered to State authorities, but if not so sur-*
 16 *rendered, shall be proceeded against as a juvenile under this*
 17 *subsection or tried as an adult in the circumstances de-*
 18 *scribed in subsections (b) and (c).*

19 “(2) *A juvenile may be proceeded against as a juvenile*
 20 *in a court of the United States under this subsection if—*

21 “(A) *the alleged offense or act of juvenile delin-*
 22 *quency is committed within the special maritime and*
 23 *territorial jurisdiction of the United States and is one*
 24 *for which the maximum authorized term of imprison-*
 25 *ment does not exceed 6 months; or*

1 “(B) the Attorney General, after investigation,
2 certifies to the appropriate United States district
3 court that—

4 “(i) the juvenile court or other appropriate
5 court of a State does not have jurisdiction or de-
6 clines to assume jurisdiction over the juvenile
7 with respect to the alleged act of juvenile delin-
8 quency, and

9 “(ii) there is a substantial Federal interest
10 in the case or the offense to warrant the exercise
11 of Federal jurisdiction.

12 “(3) If the Attorney General does not so certify or does
13 not have authority to try such juvenile as an adult, such
14 juvenile shall be surrendered to the appropriate legal au-
15 thorities of such State.

16 “(4) If a juvenile alleged to have committed an act
17 of juvenile delinquency is proceeded against as a juvenile
18 under this section, any proceedings against the juvenile
19 shall be in an appropriate district court of the United
20 States. For such purposes, the court may be convened at
21 any time and place within the district, and shall be open
22 to the public, except that the court may exclude all or some
23 members of the public, other than a victim unless the victim
24 is a witness in the determination of guilt or innocence, if
25 required by the interests of justice or if other good cause

1 *is shown. The Attorney General shall proceed by informa-*
 2 *tion or as authorized by section 3401(g) of this title, and*
 3 *no criminal prosecution shall be instituted except as pro-*
 4 *vided in this chapter.*

5 “(b)(1) *Except as provided in paragraph (2), a juve-*
 6 *nile shall be prosecuted as an adult—*

7 “(A) *if the juvenile has requested in writing*
 8 *upon advice of counsel to be prosecuted as an adult;*
 9 *or*

10 “(B) *if the juvenile is alleged to have committed*
 11 *an act after the juvenile attains the age of 14 years*
 12 *which if committed by an adult would be a serious*
 13 *violent felony or a serious drug offense described in*
 14 *section 3559(c) of this title, or a conspiracy or at-*
 15 *tempt to commit that felony or offense, which is pun-*
 16 *ishable under section 406 of the Controlled Substances*
 17 *Act (21 U.S.C. 846), or section 1013 of the Controlled*
 18 *Substances Import and Export Act (21 U.S.C. 963).*

19 “(2) *The requirements of paragraph (1) do not apply*
 20 *if the Attorney General certifies to the appropriate United*
 21 *States district court that the interests of public safety are*
 22 *best served by proceeding against the juvenile as a juvenile.*

23 “(c)(1) *A juvenile may also be prosecuted as an adult*
 24 *if the juvenile is alleged to have committed an act after the*
 25 *juvenile has attained the age of 13 years which if committed*

1 *by a juvenile after the juvenile attained the age of 14 years*
2 *would require that the juvenile be prosecuted as an adult*
3 *under subsection (b), upon approval of the Attorney Gen-*
4 *eral.*

5 “(2) *The Attorney General shall not delegate the au-*
6 *thority to give the approval required under paragraph (1)*
7 *to an officer or employee of the Department of Justice at*
8 *a level lower than a Deputy Assistant Attorney General.*

9 “(3) *Such approval shall not be granted, with respect*
10 *to such a juvenile who is subject to the criminal jurisdiction*
11 *of an Indian tribal government and who is alleged to have*
12 *committed an act over which, if committed by an adult,*
13 *there would be Federal jurisdiction based solely on its com-*
14 *mission in Indian country (as defined in section 1151), un-*
15 *less the governing body of the tribe having jurisdiction over*
16 *the place in which the alleged act was committed has before*
17 *such act notified the Attorney General in writing of its elec-*
18 *tion that prosecution may take place under this subsection.*

19 “(4) *A juvenile may also be prosecuted as an adult*
20 *if the juvenile is alleged to have committed an act which*
21 *is not described in subsection (b)(1)(B) after the juvenile*
22 *has attained the age of 14 years and which if committed*
23 *by an adult would be—*

24 “(A) *a crime of violence (as defined in sec-*
25 *tion 3156(a)(4)) that is a felony;*

1 “(B) an offense described in section 844 (d),
2 (k), or (l), or subsection (a)(6), (b), (g), (h), (j),
3 (k), or (l) of section 924;

4 “(C) a violation of section 922(o) that is an
5 offense under section 924(a)(2);

6 “(D) a violation of section 5861 of the In-
7 ternal Revenue Code of 1986 that is an offense
8 under section 5871 of such Code (26 U.S.C.
9 5871);

10 “(E) a conspiracy to commit an offense de-
11 scribed in any of subparagraphs (A) through
12 (D); or

13 “(F) an offense described in section 401 or
14 408 of the Controlled Substances Act (21 U.S.C.
15 841, 848) or a conspiracy or attempt to commit
16 that offense which is punishable under section
17 406 of the Controlled Substances Act (21 U.S.C.
18 846), or an offense punishable under section 409
19 or 419 of the Controlled Substances Act (21
20 U.S.C. 849, 860), or an offense described in sec-
21 tion 1002, 1003, 1005, or 1009 of the Controlled
22 Substances Import and Export Act (21 U.S.C.
23 952, 953, 955, or 959), or a conspiracy or at-
24 tempt to commit that offense which is punishable

1 *under section 1013 of the Controlled Substances*
2 *Import and Export Act (21 U.S.C. 963).*

3 “(d) *A determination to approve or not to approve,*
4 *or to institute or not to institute, a prosecution under sub-*
5 *section (b) or (c), and a determination to file or not to file,*
6 *and the contents of, a certification under subsection (a) or*
7 *(b) shall not be reviewable in any court.*

8 “(e) *In a prosecution under subsection (b) or (c), the*
9 *juvenile may be prosecuted and convicted as an adult for*
10 *any other offense which is properly joined under the Federal*
11 *Rules of Criminal Procedure, and may also be convicted*
12 *of a lesser included offense.*

13 “(f) *The Attorney General shall annually report to*
14 *Congress—*

15 “(1) *the number of juveniles adjudicated delin-*
16 *quent or tried as adults in Federal court;*

17 “(2) *the race, ethnicity, and gender of those juve-*
18 *niles;*

19 “(3) *the number of those juveniles who were*
20 *abused or neglected by their families, to the extent*
21 *such information is available; and*

22 “(4) *the number and types of assault crimes,*
23 *such as rapes and beatings, committed against juve-*
24 *niles while incarcerated in connection with the adju-*
25 *dication or conviction.*

1 “(g) *As used in this section—*

2 “(1) *the term ‘State’ includes a State of the*
 3 *United States, the District of Columbia, any common-*
 4 *wealth, territory, or possession of the United States*
 5 *and, with regard to an act of juvenile delinquency*
 6 *that would have been a misdemeanor if committed by*
 7 *an adult, a federally recognized tribe; and*

8 “(2) *the term ‘serious violent felony’ has the*
 9 *same meaning given that term in section*
 10 *3559(c)(2)(F)(i).”.*

11 **SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
 12 **CIAL OFFICER.**

13 *Section 5033 of title 18, United States Code, is amend-*
 14 *ed to read as follows:*

15 **“§ 5033. Custody prior to appearance before judicial**
 16 **officer**

17 “(a) *Whenever a juvenile is taken into custody, the ar-*
 18 *resting officer shall immediately advise such juvenile of the*
 19 *juvenile’s rights, in language comprehensible to a juvenile.*
 20 *The arresting officer shall promptly take reasonable steps*
 21 *to notify the juvenile’s parents, guardian, or custodian of*
 22 *such custody, of the rights of the juvenile, and of the nature*
 23 *of the alleged offense.*

24 “(b) *The juvenile shall be taken before a judicial officer*
 25 *without unreasonable delay.”.*

1 **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO**
 2 **SECTION 5034.**

3 *Section 5034 of title 18, United States Code, is amend-*
 4 *ed—*

5 (1) *by striking “The” each place it appears at*
 6 *the beginning of a paragraph and inserting “the”;*

7 (2) *by striking “If” at the beginning of the 3rd*
 8 *paragraph and inserting “if”;*

9 (3)(A) *by designating the 3 paragraphs as para-*
 10 *graphs (1), (2), and (3), respectively; and*

11 (B) *by moving such designated paragraphs 2*
 12 *ems to the right; and*

13 (4) *by inserting at the beginning of such section*
 14 *before those paragraphs the following:*

15 *“In a proceeding under section 5032(a)—”.*

16 **SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENC-**
 17 **ING.**

18 *Section 5035 of title 18, United States Code, is amend-*
 19 *ed to read as follows:*

20 **“§ 5035. Detention prior to disposition or sentencing**

21 *“(a)(1) A juvenile who has attained the age of 16 years*
 22 *and who is prosecuted pursuant to subsection (b) or (c) of*
 23 *section 5032, if detained at any time prior to sentencing,*
 24 *shall be detained in such suitable place as the Attorney Gen-*
 25 *eral may designate. Preference shall be given to a place lo-*

1 cated within, or within a reasonable distance of, the district
2 in which the juvenile is being prosecuted.

3 “(2) A juvenile less than 16 years of age prosecuted
4 pursuant to subsection (b) or (c) of section 5032, if detained
5 at any time prior to sentencing, shall be detained in a suit-
6 able juvenile facility located within, or within a reasonable
7 distance of, the district in which the juvenile is being pros-
8 ecuted. If such a facility is not available, such a juvenile
9 may be detained in any other suitable facility located with-
10 in, or within a reasonable distance of, such district. If no
11 such facility is available, such a juvenile may be detained
12 in any other suitable place as the Attorney General may
13 designate.

14 “(3) To the maximum extent feasible, a juvenile less
15 than 16 years of age prosecuted pursuant to subsection (b)
16 or (c) of section 5032 shall not be detained prior to sentenc-
17 ing in any facility in which the juvenile has regular contact
18 with adult persons convicted of a crime or awaiting trial
19 on criminal charges.

20 “(b) A juvenile proceeded against under section 5032
21 shall not be detained prior to disposition in any facility
22 in which the juvenile has regular contact with adult persons
23 convicted of a crime or awaiting trial on criminal charges.

24 “(c) Every juvenile who is detained prior to disposi-
25 tion or sentencing shall be provided with reasonable safety

1 *and security and with adequate food, heat, light, sanitary*
 2 *facilities, bedding, clothing, recreation, education, and med-*
 3 *ical care, including necessary psychiatric, psychological, or*
 4 *other care and treatment.”.*

5 **SEC. 105. SPEEDY TRIAL.**

6 *Section 5036 of title 18, United States Code, is amend-*
 7 *ed by—*

8 *(1) striking “If an alleged delinquent” and in-*
 9 *serting “If a juvenile proceeded against under section*
 10 *5032(a)”;*

11 *(2) striking “thirty” and inserting “45”; and*

12 *(3) striking “the court,” and all that follows*
 13 *through the end of the section and inserting “the*
 14 *court. The periods of exclusion under section 3161(h)*
 15 *of this title shall apply to this section.”.*

16 **SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DE-**
 17 **TENTION, FINES AND SUPERVISED RELEASE**
 18 **FOR JUVENILE OFFENDERS.**

19 *(a) DISPOSITION.—Section 5037 of title 18, United*
 20 *States Code, is amended to read as follows:*

21 **“§ 5037. Disposition**

22 *“(a) In a proceeding under section 5032(a), if the*
 23 *court finds a juvenile to be a juvenile delinquent, the court*
 24 *shall hold a hearing concerning the appropriate disposition*
 25 *of the juvenile no later than 40 court days after the finding*

1 of juvenile delinquency, unless the court has ordered further
2 study pursuant to subsection (e). A predisposition report
3 shall be prepared by the probation officer who shall prompt-
4 ly provide a copy to the juvenile, the juvenile's counsel, and
5 the attorney for the Government. Victim impact informa-
6 tion shall be included in the report, and victims, or in ap-
7 propriate cases their official representatives, shall be pro-
8 vided the opportunity to make a statement to the court in
9 person or present any information in relation to the dis-
10 position. After the dispositional hearing, and after consider-
11 ing the sanctions recommended pursuant to subsection (f),
12 the court shall impose an appropriate sanction, including
13 the ordering of restitution pursuant to section 3556 of this
14 title. The court may order the juvenile's parent, guardian,
15 or custodian to be present at the dispositional hearing and
16 the imposition of sanctions and may issue orders directed
17 to such parent, guardian, custodian regarding conduct with
18 respect to the juvenile. With respect to release or detention
19 pending an appeal or a petition for a writ of certiorari
20 after disposition, the court shall proceed pursuant to chap-
21 ter 207.

22 “(b) The term for which probation may be ordered for
23 a juvenile found to be a juvenile delinquent may not extend
24 beyond the maximum term that would be authorized by sec-
25 tion 3561(c) if the juvenile had been tried and convicted

1 *as an adult. Sections 3563, 3564, and 3565 are applicable*
2 *to an order placing a juvenile on probation.*

3 “(c) *The term for which official detention may be or-*
4 *dered for a juvenile found to be a juvenile delinquent may*
5 *not extend beyond the lesser of—*

6 “(1) *the maximum term of imprisonment that*
7 *would be authorized if the juvenile had been tried and*
8 *convicted as an adult;*

9 “(2) *ten years; or*

10 “(3) *the date when the juvenile becomes twenty-*
11 *six years old.*

12 *Section 3624 is applicable to an order placing a juvenile*
13 *in detention.*

14 “(d) *The term for which supervised release may be or-*
15 *dered for a juvenile found to be a juvenile delinquent may*
16 *not extend beyond 5 years. Subsections (c) through (i) of*
17 *section 3583 apply to an order placing a juvenile on super-*
18 *vised release.*

19 “(e) *If the court desires more detailed information con-*
20 *cerning a juvenile alleged to have committed an act of juve-*
21 *nile delinquency or a juvenile adjudicated delinquent, it*
22 *may commit the juvenile, after notice and hearing at which*
23 *the juvenile is represented by counsel, to the custody of the*
24 *Attorney General for observation and study by an appro-*
25 *priate agency or entity. Such observation and study shall*

1 *be conducted on an outpatient basis, unless the court deter-*
 2 *mines that inpatient observation and study are necessary*
 3 *to obtain the desired information. In the case of an alleged*
 4 *juvenile delinquent, inpatient study may be ordered only*
 5 *with the consent of the juvenile and the juvenile's attorney.*
 6 *The agency or entity shall make a study of all matters rel-*
 7 *evant to the alleged or adjudicated delinquent behavior and*
 8 *the court's inquiry. The Attorney General shall submit to*
 9 *the court and the attorneys for the juvenile and the Govern-*
 10 *ment the results of the study within 30 days after the com-*
 11 *mitment of the juvenile, unless the court grants additional*
 12 *time. Time spent in custody under this subsection shall be*
 13 *excluded for purposes of section 5036.*

14 “(f)(1) *The United States Sentencing Commission, in*
 15 *consultation with the Attorney General, shall develop a list*
 16 *of possible sanctions for juveniles adjudicated delinquent.*

17 “(2) *Such list shall—*

18 “(A) *be comprehensive in nature and encompass*
 19 *punishments of varying levels of severity;*

20 “(B) *include terms of confinement; and*

21 “(C) *provide punishments that escalate in sever-*
 22 *ity with each additional or subsequent more serious*
 23 *delinquent conduct.”.*

24 (b) *EFFECTIVE DATE.—The Sentencing Commission*
 25 *shall develop the list required pursuant to section 5037(f),*

1 *as amended by subsection (a), not later than 180 days after*
 2 *the date of the enactment of this Act.*

3 *(c) CONFORMING AMENDMENT TO ADULT SENTENCING*
 4 *SECTION.—Section 3553 of title 18, United States Code, is*
 5 *amended by adding at the end the following:*

6 *“(g) LIMITATION ON APPLICABILITY OF STATUTORY*
 7 *MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS*
 8 *UNDER THE AGE OF 16.—Notwithstanding any other pro-*
 9 *vision of law, in the case of a defendant convicted for con-*
 10 *duct that occurred before the juvenile attained the age of*
 11 *16 years, the court shall impose a sentence without regard*
 12 *to any statutory minimum sentence, if the court finds at*
 13 *sentencing, after affording the Government an opportunity*
 14 *to make a recommendation, that the juvenile has not been*
 15 *previously adjudicated delinquent for or convicted of an of-*
 16 *fense described in section 5032(b)(1)(B).”.*

17 **SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.**

18 *Section 5038 of title 18, United States Code, is amend-*
 19 *ed to read as follows:*

20 **“§ 5038. Juvenile records and fingerprinting**

21 *“(a)(1) Throughout and upon the completion of the ju-*
 22 *venile delinquency proceeding under section 5032(a), the*
 23 *court shall keep a record relating to the arrest and adju-*
 24 *dication that is—*

1 “(A) equivalent to the record that would be kept
2 of an adult arrest and conviction for such an offense;
3 and

4 “(B) retained for a period of time that is equal
5 to the period of time records are kept for adult convic-
6 tions.

7 “(2) Such records shall be made available for official
8 purposes, including communications with any victim or,
9 in the case of a deceased victim, such victim’s representa-
10 tive, or school officials, and to the public to the same extent
11 as court records regarding the criminal prosecutions of
12 adults are available.

13 “(b) The Attorney General shall establish guidelines for
14 fingerprinting and photographing a juvenile who is the sub-
15 ject of any proceeding authorized under this chapter. Such
16 guidelines shall address the availability of pictures of any
17 juvenile taken into custody but not prosecuted as an adult.
18 Fingerprints and photographs of a juvenile who is pros-
19 ecuted as an adult shall be made available in the manner
20 applicable to adult offenders.

21 “(c) Whenever a juvenile has been adjudicated delin-
22 quent for an act that, if committed by an adult, would be
23 a felony or for a violation of section 924(a)(6), the court
24 shall transmit to the Federal Bureau of Investigation the
25 information concerning the adjudication, including name,

1 *date of adjudication, court, offenses, and sentence, along*
 2 *with the notation that the matter was a juvenile adjudica-*
 3 *tion.*

4 “(d) *In addition to any other authorization under this*
 5 *section for the reporting, retention, disclosure, or availabil-*
 6 *ity of records or information, if the law of the State in*
 7 *which a Federal juvenile delinquency proceeding takes place*
 8 *permits or requires the reporting, retention, disclosure, or*
 9 *availability of records or information relating to a juvenile*
 10 *or to a juvenile delinquency proceeding or adjudication in*
 11 *certain circumstances, then such reporting, retention, dis-*
 12 *closure, or availability is permitted under this section*
 13 *whenever the same circumstances exist.”.*

14 **SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
 15 **5034.**

16 (a) *ELIMINATION OF PRONOUNS.*—Sections 5031 and
 17 5034 of title 18, United States Code, are each amended by
 18 striking “his” each place it appears and inserting “the juve-
 19 nile’s”.

20 (b) *UPDATING OF REFERENCE.*—Section 5034 of title
 21 18, United States Code, is amended—

22 (1) *in the heading of such section, by striking*
 23 **“magistrate”** and inserting **“judicial officer”**;
 24 *and*

1 (2) *by striking “magistrate” each place it ap-*
 2 *pears and inserting “judicial officer”.*

3 **SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
 4 **FOR CHAPTER 403.**

5 *The heading and the table of sections at the beginning*
 6 *of chapter 403 of title 18, United States Code, is amended*
 7 *to read as follows:*

8 **“CHAPTER 403—JUVENILE DELINQUENCY**

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprinting.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

9 **TITLE II—APPREHENDING**
 10 **ARMED VIOLENT YOUTH**

11 **SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIREC-**
 12 **TIVE.**

13 *(a) IN GENERAL.—Not later than 180 days after the*
 14 *date of the enactment of this Act, the Attorney General of*
 15 *the United States shall establish an armed violent youth*
 16 *apprehension program consistent with the following re-*
 17 *quirements:*

18 *(1) Each United States attorney shall designate*
 19 *at least 1 assistant United States attorney to pros-*

1 *ecute, on either a full- or part-time basis, armed vio-*
2 *lent youth.*

3 *(2) Each United States attorney shall establish*
4 *an armed youth criminal apprehension task force*
5 *comprised of appropriate law enforcement representa-*
6 *tives. The task force shall develop strategies for remov-*
7 *ing armed violent youth from the streets, taking into*
8 *consideration—*

9 *(A) the importance of severe punishment in*
10 *detering armed violent youth crime;*

11 *(B) the effectiveness of Federal and State*
12 *laws pertaining to apprehension and prosecution*
13 *of armed violent youth;*

14 *(C) the resources available to each law en-*
15 *forcement agency participating in the task force;*

16 *(D) the nature and extent of the violent*
17 *youth crime occurring in the district for which*
18 *the United States attorney is appointed; and*

19 *(E) the principle of limited Federal involve-*
20 *ment in the prosecution of crimes traditionally*
21 *prosecuted in State and local jurisdictions.*

22 *(3) Not less frequently than bimonthly, the Attor-*
23 *ney General shall require each United States attorney*
24 *to report to the Department of Justice the number of*
25 *youths charged with, or convicted of, violating section*

1 922(g) or 924 of title 18, United States Code, in the
2 district for which the United States attorney is ap-
3 pointed and the number of youths referred to a State
4 for prosecution for similar offenses.

5 (4) Not less frequently than twice annually, the
6 Attorney General shall submit to the Congress a com-
7 pilation of the information received by the Depart-
8 ment of Justice pursuant to paragraph (3) and a re-
9 port on all waivers granted under subsection (b).

10 (b) WAIVER AUTHORITY.—

11 (1) REQUEST FOR WAIVER.—A United States at-
12 torney may request the Attorney General to waive the
13 requirements of subsection (a) with respect to the
14 United States attorney.

15 (2) PROVISION OF WAIVER.—The Attorney Gen-
16 eral may waive the requirements of subsection (a)
17 pursuant to a request made under paragraph (1), in
18 accordance with guidelines which shall be established
19 by the Attorney General. In establishing the guide-
20 lines, the Attorney General shall take into consider-
21 ation the number of assistant United States attorneys
22 in the office of the United States attorney making the
23 request and the level of violent youth crime committed
24 in the district for which the United States attorney
25 is appointed.

1 (c) *ARMED VIOLENT YOUTH DEFINED.*—As used in
 2 this section, the term “armed violent youth” means a person
 3 who has not attained 18 years of age and is accused of vio-
 4 lating—

5 (1) section 922(g)(1) of title 18, United States
 6 Code, having been previously convicted of—

7 (A) a violent crime; or

8 (B) conduct that would have been a violent
 9 crime had the person been an adult; or
 10 (2) section 924 of such title.

11 (d) *SUNSET.*—This section shall have no force or effect
 12 after the 5-year period that begins 180 days after the date
 13 of the enactment of this Act.

14 **TITLE III—ACCOUNTABILITY**
 15 **FOR JUVENILE OFFENDERS**
 16 **AND PUBLIC PROTECTION IN-**
 17 **CENTIVE GRANTS**

18 **SEC. 301. SHORT TITLE.**

19 This title may be cited as the “Juvenile Accountability
 20 Block Grants Act of 1997”.

21 **SEC. 302. BLOCK GRANT PROGRAM.**

22 (a) *IN GENERAL.*—Part R of title I of the Omnibus
 23 Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796
 24 et seq.) is amended to read as follows:

1 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**

2 **GRANTS**

3 **“SEC. 1801. PROGRAM AUTHORIZED.**

4 “(a) *IN GENERAL.*—*The Director of the Bureau of Jus-*
5 *tice Assistance is authorized to provide grants to States,*
6 *for use by States and units of local government, and in*
7 *certain cases directly to eligible units.*

8 “(b) *AUTHORIZED ACTIVITIES.*—*Amounts paid to a*
9 *State, a unit of local government, or an eligible unit under*
10 *this part shall be used by the State, unit of local govern-*
11 *ment, or eligible unit for the purpose of promoting greater*
12 *accountability in the juvenile justice system, which in-*
13 *cludes—*

14 “(1) *building, expanding or operating temporary*
15 *or permanent juvenile correction or detention facili-*
16 *ties;*

17 “(2) *developing and administering accountabil-*
18 *ity-based sanctions for juvenile offenders;*

19 “(3) *hiring additional juvenile judges, probation*
20 *officers, and court-appointed defenders, and funding*
21 *pre-trial services for juveniles, to ensure the smooth*
22 *and expeditious administration of the juvenile justice*
23 *system;*

24 “(4) *hiring additional prosecutors, so that more*
25 *cases involving violent juvenile offenders can be pros-*
26 *ecuted and backlogs reduced;*

1 “(5) providing funding to enable prosecutors to
2 address drug, gang, and youth violence problems more
3 effectively;

4 “(6) providing funding for technology, equip-
5 ment, and training to assist prosecutors in identify-
6 ing and expediting the prosecution of violent juvenile
7 offenders;

8 “(7) providing funding to enable juvenile courts
9 and juvenile probation offices to be more effective and
10 efficient in holding juvenile offenders accountable and
11 reducing recidivism;

12 “(8) the establishment of court-based juvenile jus-
13 tice programs that target young firearms offenders
14 through the establishment of juvenile gun courts for
15 the adjudication and prosecution of juvenile firearms
16 offenders;

17 “(9) the establishment of drug court programs
18 for juveniles so as to provide continuing judicial su-
19 pervision over juvenile offenders with substance abuse
20 problems and to provide the integrated administra-
21 tion of other sanctions and services;

22 “(10) establishing and maintaining interagency
23 information-sharing programs that enable the juvenile
24 and criminal justice system, schools, and social serv-
25 ices agencies to make more informed decisions regard-

1 *ing the early identification, control, supervision, and*
 2 *treatment of juveniles who repeatedly commit serious*
 3 *delinquent or criminal acts; and*

4 *“(11) establishing and maintaining accountabil-*
 5 *ity-based programs that work with juvenile offenders*
 6 *who are referred by law enforcement agencies, or*
 7 *which are designed, in cooperation with law enforce-*
 8 *ment officials, to protect students and school person-*
 9 *nel from drug, gang, and youth violence.*

10 **“SEC. 1802. GRANT ELIGIBILITY.**

11 *“(a) STATE ELIGIBILITY.—To be eligible to receive a*
 12 *grant under this section, a State shall submit to the Direc-*
 13 *tor an application at such time, in such form, and contain-*
 14 *ing such assurances and information as the Director may*
 15 *require by rule, including assurances that the State and*
 16 *any unit of local government to which the State provides*
 17 *funding under section 1803(b), has in effect (or will have*
 18 *in effect not later than 1 year after the date a State submits*
 19 *such application) laws, or has implemented (or will imple-*
 20 *ment not later than 1 year after the date a State submits*
 21 *such application) policies and programs, that—*

22 *“(1) ensure that juveniles who commit an act*
 23 *after attaining 15 years of age that would be a seri-*
 24 *ous violent crime if committed by an adult are treat-*
 25 *ed as adults for purposes of prosecution as a matter*

1 of law, or that the prosecutor has the authority to
2 determine whether or not to prosecute such juveniles
3 as adults;

4 “(2) impose sanctions on juvenile offenders for
5 every delinquent or criminal act, or violation of pro-
6 bation, ensuring that such sanctions escalate in sever-
7 ity with each subsequent, more serious delinquent or
8 criminal act, or violation of probation, including
9 such accountability-based sanctions as—

10 “(A) restitution;

11 “(B) community service;

12 “(C) punishment imposed by community
13 accountability councils comprised of individuals
14 from the offender’s and victim’s communities;

15 “(D) fines; and

16 “(E) short-term confinement;

17 “(3) establish at a minimum a system of records
18 relating to any adjudication of a juvenile who has a
19 prior delinquency adjudication and who is adju-
20 dicated delinquent for conduct that if committed by
21 an adult would constitute a felony under Federal or
22 State law which is a system equivalent to that main-
23 tained for adults who commit felonies under Federal
24 or State law; and

1 “(4) ensure that State law does not prevent a ju-
2 venile court judge from issuing a court order against
3 a parent, guardian, or custodian of a juvenile of-
4 fender regarding the supervision of such an offender
5 and from imposing sanctions for a violation of such
6 an order.

7 “(b) *LOCAL ELIGIBILITY.*—

8 “(1) *SUBGRANT ELIGIBILITY.*—To be eligible to
9 receive a subgrant, a unit of local government shall
10 provide such assurances to the State as the State shall
11 require, that, to the maximum extent applicable, the
12 unit of local government has laws or policies and pro-
13 grams which—

14 “(A) ensure that juveniles who commit an
15 act after attaining 15 years of age that would be
16 a serious violent crime if committed by an adult
17 are treated as adults for purposes of prosecution
18 as a matter of law, or that the prosecutor has the
19 authority to determine whether or not to pros-
20 ecute such juveniles as adults;

21 “(B) impose a sanction for every delinquent
22 or criminal act, or violation of probation, ensur-
23 ing that such sanctions escalate in severity with
24 each subsequent, more serious delinquent or
25 criminal act, or violation of probation; and

1 “(C) ensure that there is a system of records
 2 relating to any adjudication of a juvenile who is
 3 adjudicated delinquent for conduct that if com-
 4 mitted by an adult would constitute a felony
 5 under Federal or State law which is a system
 6 equivalent to that maintained for adults who
 7 commit felonies under Federal or State law.

8 “(2) *SPECIAL RULE.*—The requirements of para-
 9 graph (1) shall apply to an eligible unit that receives
 10 funds from the Director under section 1803, except
 11 that information that would otherwise be submitted to
 12 the State shall be submitted to the Director.

13 **“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14 “(a) *STATE ALLOCATION.*—

15 “(1) *IN GENERAL.*—In accordance with regula-
 16 tions promulgated pursuant to this part, the Director
 17 shall allocate—

18 “(A) 0.25 percent for each State; and

19 “(B) of the total funds remaining after the
 20 allocation under subparagraph (A), to each
 21 State, an amount which bears the same ratio to
 22 the amount of remaining funds described in this
 23 subparagraph as the population of people under
 24 the age of 18 living in such State for the most
 25 recent calendar year in which such data is avail-

1 able bears to the population of people under the
2 age of 18 of all the States for such fiscal year.

3 “(2) *PROPORTIONAL REDUCTION.*—If amounts
4 available to carry out paragraph (1)(A) for any pay-
5 ment period are insufficient to pay in full the total
6 payment that any State is otherwise eligible to receive
7 under paragraph (1)(A) for such period, then the Di-
8 rector shall reduce payments under paragraph (1)(A)
9 for such payment period to the extent of such insuffi-
10 ciency. Reductions under the preceding sentence shall
11 be allocated among the States (other than States
12 whose payment is determined under paragraph (2))
13 in the same proportions as amounts would be allo-
14 cated under paragraph (1) without regard to para-
15 graph (2).

16 “(3) *PROHIBITION.*—No funds allocated to a
17 State under this subsection or received by a State for
18 distribution under subsection (b) may be distributed
19 by the Director or by the State involved for any pro-
20 gram other than a program contained in an approved
21 application.

22 “(b) *LOCAL DISTRIBUTION.*—

23 “(1) *IN GENERAL.*—Each State which receives
24 funds under subsection (a)(1) in a fiscal year shall
25 distribute not less than 75 percent of such amounts

1 *received among units of local government, for the pur-*
 2 *poses specified in section 1801. In making such dis-*
 3 *tribution the State shall allocate to such units of local*
 4 *government an amount which bears the same ratio*
 5 *to the aggregate amount of such funds as—*

6 “(A) *the sum of—*

7 “(i) *the product of—*

8 “(I) *two-thirds; multiplied by*

9 “(II) *the average law enforcement ex-*
 10 *penditure for such unit of local government*
 11 *for the 3 most recent calendar years for*
 12 *which such data is available; plus*

13 “(ii) *the product of—*

14 “(I) *one-third; multiplied by*

15 “(II) *the average annual number of*
 16 *part 1 violent crimes in such unit of local*
 17 *government for the 3 most recent calendar*
 18 *years for which such data is available, bears*
 19 *to—*

20 “(B) *the sum of the products determined under*
 21 *subparagraph (A) for all such units of local govern-*
 22 *ment in the State.*

23 “(2) *EXPENDITURES.—The allocation any unit*
 24 *of local government shall receive under paragraph (1)*
 25 *for a payment period shall not exceed 100 percent of*

1 *law enforcement expenditures of the unit for such*
 2 *payment period.*

3 *“(3) REALLOCATION.—The amount of any unit*
 4 *of local government’s allocation that is not available*
 5 *to such unit by operation of paragraph (2) shall be*
 6 *available to other units of local government that are*
 7 *not affected by such operation in accordance with this*
 8 *subsection.*

9 *“(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL*
 10 *GOVERNMENT.—If the State has reason to believe that the*
 11 *reported rate of part 1 violent crimes or law enforcement*
 12 *expenditure for a unit of local government is insufficient*
 13 *or inaccurate, the State shall—*

14 *“(1) investigate the methodology used by the unit*
 15 *to determine the accuracy of the submitted data; and*

16 *“(2) if necessary, use the best available com-*
 17 *parable data regarding the number of violent crimes*
 18 *or law enforcement expenditure for the relevant years*
 19 *for the unit of local government.*

20 *“(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS*
 21 *THAN \$5,000.—If under this section a unit of local govern-*
 22 *ment is allocated less than \$5,000 for a payment period,*
 23 *the amount allotted shall be expended by the State on serv-*
 24 *ices to units of local government whose allotment is less*
 25 *than such amount in a manner consistent with this part.*

1 “(e) *DIRECT GRANTS TO ELIGIBLE UNITS.*—

2 “(1) *IN GENERAL.*—*If a State does not qualify or*
 3 *apply for funds reserved for allocation under sub-*
 4 *section (a) by the application deadline established by*
 5 *the Director, the Director shall reserve not more than*
 6 *75 percent of the allocation that the State would have*
 7 *received under subsection (a) for such fiscal year to*
 8 *provide grants to eligible units which meet the re-*
 9 *quirements for funding under subsection (b).*

10 “(2) *AWARD BASIS.*—*In addition to the quali-*
 11 *fication requirements for direct grants for eligible*
 12 *units the Director may use the average amount allo-*
 13 *cated by the States to like governmental units as a*
 14 *basis for awarding grants under this section.*

15 **“SEC. 1804. REGULATIONS.**

16 *“The Director shall issue regulations establishing pro-*
 17 *cedures under which an eligible State or unit of local gov-*
 18 *ernment that receives funds under section 1803 is required*
 19 *to provide notice to the Director regarding the proposed use*
 20 *of funds made available under this part.*

21 **“SEC. 1805. PAYMENT REQUIREMENTS.**

22 “(a) *TIMING OF PAYMENTS.*—*The Director shall pay*
 23 *each State or unit of local government that receives funds*
 24 *under section 1803 that has submitted an application under*
 25 *this part not later than—*

1 “(1) 90 days after the date that the amount is
2 available, or

3 “(2) the first day of the payment period if the
4 State has provided the Director with the assurances
5 required by subsection (c),
6 whichever is later.

7 “(b) *REPAYMENT OF UNEXPENDED AMOUNTS.*—

8 “(1) *REPAYMENT REQUIRED.*—From amounts
9 appropriated under this part, a State shall repay to
10 the Director, by not later than 27 months after receipt
11 of funds from the Director, any amount that is not
12 expended by the State within 2 years after receipt of
13 such funds from the Director.

14 “(2) *PENALTY FOR FAILURE TO REPAY.*—If the
15 amount required to be repaid is not repaid, the Direc-
16 tor shall reduce payment in future payment periods
17 accordingly.

18 “(3) *DEPOSIT OF AMOUNTS REPAID.*—Amounts
19 received by the Director as repayments under this
20 subsection shall be deposited in a designated fund for
21 future payments to States.

22 “(c) *ADMINISTRATIVE COSTS.*—A State, unit of local
23 government or eligible unit that receives funds under this
24 part may use not more than one percent of such funds to
25 pay for administrative costs.

1 “(d) *NONSUPPLANTING REQUIREMENT.*—*Funds made*
 2 *available under this part to States, units of local govern-*
 3 *ment, or eligible units shall not be used to supplant State*
 4 *or local funds as the case may be, but shall be used to in-*
 5 *crease the amount of funds that would, in the absence of*
 6 *funds made available under this part, be made available*
 7 *from State or local sources, as the case may be.*

8 “(e) *MATCHING FUNDS.*—*The Federal share of a grant*
 9 *received under this part may not exceed 90 percent of the*
 10 *costs of a program or proposal funded under this part.*

11 **“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

12 “*Funds or a portion of funds allocated under this part*
 13 *may be utilized to contract with private, nonprofit entities*
 14 *or community-based organizations to carry out the purposes*
 15 *specified under section 1801(a)(2).*

16 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

17 “(a) *IN GENERAL.*—*A State that receives funds under*
 18 *this part shall—*

19 “(1) *establish a trust fund in which the govern-*
 20 *ment will deposit all payments received under this*
 21 *part; and*

22 “(2) *use amounts in the trust fund (including*
 23 *interest) during a period not to exceed 2 years from*
 24 *the date the first grant payment is made to the State;*

1 “(3) designate an official of the State to submit
 2 reports as the Director reasonably requires, in addi-
 3 tion to the annual reports required under this part;
 4 and

5 “(4) spend the funds only for the purposes under
 6 section 1801(b).

7 “(b) *TITLE I PROVISIONS.*—The administrative provi-
 8 sions of part H shall apply to this part and for purposes
 9 of this section any reference in such provisions to title I
 10 shall be deemed to include a reference to this part.

11 **“SEC. 1808. DEFINITIONS.**

12 *“For the purposes of this part:*

13 “(1) The term ‘unit of local government’
 14 means—

15 “(A) a county, township, city, or political
 16 subdivision of a county, township, or city, that
 17 is a unit of local government as determined by
 18 the Secretary of Commerce for general statistical
 19 purposes; and

20 “(B) the District of Columbia and the rec-
 21 ognized governing body of an Indian tribe or
 22 Alaskan Native village that carries out substan-
 23 tial governmental duties and powers.

1 “(2) The term ‘eligible unit’ means a unit of
2 local government which may receive funds under sec-
3 tion 1803(e).

4 “(3) The term ‘State’ means any State of the
5 United States, the District of Columbia, the Common-
6 wealth of Puerto Rico, the Virgin Islands, American
7 Samoa, Guam, and the Northern Mariana Islands,
8 except that American Samoa, Guam, and the North-
9 ern Mariana Islands shall be considered as 1 State
10 and that, for purposes of section 1803(a), 33 percent
11 of the amounts allocated shall be allocated to Amer-
12 ican Samoa, 50 percent to Guam, and 17 percent to
13 the Northern Mariana Islands.

14 “(4) The term ‘juvenile’ means an individual
15 who is 17 years of age or younger.

16 “(5) The term ‘law enforcement expenditures’
17 means the expenditures associated with police, pros-
18 ecutorial, legal, and judicial services, and corrections
19 as reported to the Bureau of the Census for the fiscal
20 year preceding the fiscal year for which a determina-
21 tion is made under this part.

22 “(6) The term ‘part 1 violent crimes’ means
23 murder and nonnegligent manslaughter, forcible rape,
24 robbery, and aggravated assault as reported to the

1 *Federal Bureau of Investigation for purposes of the*
 2 *Uniform Crime Reports.*

3 “(7) *The term ‘Director’ means the Director of*
 4 *the Bureau of Justice Assistance.*

5 **“SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) *AUTHORIZATION OF APPROPRIATIONS.—There*
 7 *are authorized to be appropriated to carry out this part—*

8 “(1) *\$500,000,000 for fiscal year 1998;*

9 “(2) *\$500,000,000 for fiscal year 1999; and*

10 “(3) *\$500,000,000 for fiscal year 2000.*

11 “(b) *OVERSIGHT ACCOUNTABILITY AND ADMINISTRA-*
 12 *TION.—Not more than 1 percent of the amount authorized*
 13 *to be appropriated under subsection (a), with such amounts*
 14 *to remain available until expended, for each of the fiscal*
 15 *years 1998 through 2000 shall be available to the Director*
 16 *for studying the overall effectiveness and efficiency of the*
 17 *provisions of this part, assuring compliance with the provi-*
 18 *sions of this part, and for administrative costs to carry out*
 19 *the purposes of this part. The Director shall establish and*
 20 *execute an oversight plan for monitoring the activities of*
 21 *grant recipients.*

22 “(c) *FUNDING SOURCE.—Appropriations for activities*
 23 *authorized in this part may be made from the Violent*
 24 *Crime Reduction Trust Fund.”.*

1 (b) *CLERICAL AMENDMENTS.—The table of contents of*
2 *title I of the Omnibus Crime Control and Safe Streets Act*
3 *of 1968 is amended by striking the item relating to part*
4 *R and inserting the following:*

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“Sec. 1801. Program authorized.

“Sec. 1802. Grant eligibility.

“Sec. 1803. Allocation and distribution of funds.

“Sec. 1804. Regulations.

“Sec. 1805. Payment requirements.

“Sec. 1806. Utilization of private sector.

“Sec. 1807. Administrative provisions.

“Sec. 1808. Definitions.

“Sec. 1809. Authorization of appropriations.”.